

# NORTH DAKOTA LEGISLATIVE COUNCIL

## Minutes of the

### CORRECTIONAL FACILITY REVIEW COMMITTEE

Tuesday, January 29, 2008  
Harvest Room, State Capitol  
Bismarck, North Dakota

Representative Chet Pollert, Chairman, called the meeting to order at 8:30 a.m.

**Members present:** Representatives Chet Pollert, Ralph Metcalf, Alon Wieland; Senators Tony Grindberg, David O'Connell, Bob Stenehjem

**Others present:** Ralph Kilzer, State Senator, Bismarck

See attached [appendix](#) for additional persons present.

**It was moved by Senator O'Connell, seconded by Representative Wieland, and carried on a voice vote that the minutes of the January 8, 2008, meeting be approved as distributed.**

#### CORRECTIONAL FACILITY REVIEW STUDY

Chairman Pollert called on Mr. George M. Camp, Mr. Lou Ragozzino, and Mr. Jeff Buck, Criminal Justice Institute, Inc., to present information regarding the [status of the correctional facility review study](#). A copy of the information presented is on file in the Legislative Council office. Mr. Camp said the project continues to remain on schedule.

Mr. Camp reviewed the project objective which is to determine the most effective and cost-efficient option for meeting the needs and requirements of 1,000 State Penitentiary and Missouri River Correctional Center inmates. He said North Dakota has other significant ongoing initiatives to meet its entire range of objectives, including parole and probation, nontraditional and noninstitutional confinement, contracting for female offenders, and juvenile offender programs. He said North Dakota has not built any new prison beds since 1992 when minimum security beds were built at the Missouri River Correctional Center. He said no new high security segregation beds have been built since the 1950s. He said bed space converted from other uses has been added at the James River Correctional Center and the Dakota Women's Correctional and Rehabilitation Center.

Mr. Ragozzino said the initial site development concept model presented at the Correctional Facility Review Committee's January 8, 2008, meeting included 36.2 acres inside the security fence. He said the revised replacement facility concept model includes 29.2 acres inside the security fence. He said a total of approximately 80 acres will be needed for the entire facility, including support facilities, parking,

and minimum security housing that will be outside the security fence.

Mr. Ragozzino said the Missouri River Correctional Center site includes an area that allows the concept model to be placed close to existing utilities but the area remains in the 100-year floodplain. He said raising the area above the floodplain would require extensive dirt work.

Mr. Ragozzino said the "landfill" site would require relocation of high-tension power lines, utility extensions, and significant dirt work to level the site.

Mr. Ragozzino said the "airport" site provides a good opportunity for the layout of the concept model because utilities are available and limited dirt work would be required to prepare the site. However, he said, the site includes approximately 10 acres of land that is owned by United Tribes.

Mr. Ragozzino said since the Sunny Farm site is the largest parcel of land, it provides the opportunity for three placement options for the concept model. He said, however, utility access is approximately two miles from the site and developing the site would require significant dirt work.

Mr. Ragozzino said the concept model would fit within existing State Penitentiary land by placing the replacement facility east of the existing facility. He said the utilities are adequate and minimal dirt work and road modifications would be required to develop the site. However, he said, the entire industries area and 20.5 acres of Family Forest would be impacted.

In response to a question from Senator Stenehjem, Mr. Buck said there are two elements in presenting cost comparison information on each site. He said total project costs for each of the three options under consideration would include the cost of any required land acquisitions. He said an overall project cost comparison will include the total fiscal effect to the state which will consider the value of land already owned by the state.

Mr. Buck said the proposed replacement facility concept includes five zones. He said Zone 1 includes high security and disciplinary segregation cells; Zones 2 and 3 include medium and maximum security cells for the general population; Zone 4 includes medium and maximum security reception housing; and Zone 5 includes one minimum security housing unit, a transition unit, and criminal thinking and substance abuse treatment centers.

Mr. Buck said the existing Penitentiary includes 562 beds. He said a reuse plan for the existing facility

would reuse 331 of the existing beds, resulting in a need for 754 new beds. He said the reuse plan concept model includes minimum security housing outside the security fence.

Mr. Buck said an alternative design could be used for both the replacement and reuse concepts that includes a two-story building for segregation units. He said this would reduce the outside perimeter. He said the two-story building would provide adequate safety for staff and inmates.

In response to a question from Representative Wieland, Mr. Buck said the Penitentiary does not have enough inmates requiring care for chronic medical conditions to establish a separate housing unit for this type of care. He said one of the general housing units near the medical department could be used for inmates requiring care for chronic medical conditions.

In response to a question from Senator O'Connell, Mr. Buck said the inmates in the minimum security housing unit outside the security fence would have minimal contact with the inmates inside the security fence. He said services and programs that are available at the existing Missouri River Correctional Center would be available at the new minimum security unit.

Mr. Camp said upcoming tasks of the project team will include an evaluation of each of the options to determine estimated operational and construction costs.

Chairman Pollert called on Mr. Dave Krabbenhoft, Director of Administration, Department of Corrections and Rehabilitation, to comment on the correctional facility review project. Mr. Krabbenhoft said the department is satisfied with the consultant's work in reviewing the total prison system. He said it appears the consultants are addressing the department's facility needs.

Chairman Pollert called on Mr. Jeff Wolf, Captain, Department of Corrections and Rehabilitation, to comment on the correctional facility review project. Mr. Wolf said the department has an obligation to keep staff, inmates, and the public safe. He said the correctional facility project is necessary to provide a safe working environment while providing adequate secure housing for dangerous offenders. He said four of the five standards the department failed in a recent accreditation audit were physical plant standards. He said overcrowding in segregation units at the existing Penitentiary results in the "best of the worst" inmate being returned to the general population to make room for other inmates who need to be placed in segregation housing. He said this creates disruption and a risk for other inmates and staff.

Chairman Pollert called on Ms. Kathleen Bachmeier, Director of Medical Services, Department of Corrections and Rehabilitation, to comment on the correctional facility review project. Ms. Bachmeier said many challenges face the department's medical

department. She said the existing Penitentiary has no Americans with Disabilities Act (ADA) accessibility to the second floor medical department other than escorting the inmate outside the security gate and using a freight elevator. She said treatment needs for inmates with mental illness issues continue to increase. She said it seems the prison system in North Dakota has become the treatment facility of last resort. She said initial medical assessments on new offenders entering the prison system are completed in an examination room that was originally designed as a bathroom for the gymnasium and is away from other correctional staff. She said medical care for offenders in administrative segregation is provided in the correctional staff office in an examination room with a fabric barrier and no sink. She said a new medical department is necessary regardless of the correctional facility option chosen. She said the new medical department should include a clinic or outpatient area and an infirmary area with adequate beds for acute care, long-term care, observation cells, and isolation cells for infectious diseases.

Chairman Pollert called on Mr. Rob Heier, Unit Manager, Department of Corrections and Rehabilitation, to comment on the correctional facility review project. Mr. Heier said critical needs of the department include additional administrative segregation cells, cell space for offenders needing medical care, replacement of the East Cellhouse, and additional orientation cells. He said staffing levels and compensation remain key issues. He said stress on staff members working in the existing conditions and pay equity issues have led to a turnover rate of 8 percent (11 employees) at the State Penitentiary and Missouri River Correctional Center from July 2007 through December 2007.

Chairman Pollert said the next meeting is scheduled for Tuesday, February 19, 2008. He said the consultant's final report is scheduled for presentation on March 3, 2008. He said additional committee meetings are tentatively scheduled for March 24, 2008, and April 8, 2008, for committee consideration of the final report.

No further business appearing, Chairman Pollert adjourned the meeting at 11:05 a.m.

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Becky Keller  
Fiscal Analyst

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Allen H. Knudson  
Legislative Budget Analyst and Auditor

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